

ORDINANCE NO. 12-07

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 74 ENTITLED "SIGNS", ARTICLE III. REGULATIONS, DIVISION 1. GENERALLY, OF THE CODE OF ORDINANCES BY REVISING HIALEAH CODE § 74-147. REQUIRED SIGNS, TO REDUCE THE TIME LIMIT FOR TEMPORARY SIGNS FROM 180 DAYS TO 90 DAYS AND REDUCE THE TIME LIMIT FOR TEMPORARY SIGNS REQUIRING A SIGN PERMIT FROM 90 DAYS TO 45 DAYS; TO PROVIDE A \$150.00 BOND OR MONETARY SUM AS SECURITY FOR REMOVAL OF SIGNS; AND TO ESTABLISH PRIMARY RESPONSIBILITY FOR VIOLATIONS OF THE SIGN CODE ON POLITICAL CANDIDATES IN CONNECTION WITH THE INSTALLATION AND MAINTENANCE OF UNLAWFUL SIGNS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the general purpose and intent of this ordinance is for the health, safety, welfare, aesthetics, order, and proper regulation and administration of the City of Hialeah and its residents;

WHEREAS, the specific purpose and intent of this ordinance is to revise the regulations for temporary signs to provide for the posting of a \$150.00 bond or monetary sum as security for violations in connection with installation and removal of signs, a specific time period for the temporary political signs and responsibilities for political candidates in addition to property or business owners to comply with the provisions of the sign code and

WHEREAS, the Planning and Zoning Board at its meeting of January 11, 2012 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

date the temporary sign is situated on the property. Removal is required if the sign has not been removed or replaced after ~~90~~45 days, except as provided in this chapter.

(3) Bond required. If a person installs or causes to install in excess of 50 temporary signs, such person shall post a bond in the principal sum of \$150.00 or the monetary amount of \$150.00 as security for the recovery of expenses in connection with the city removing noncompliant signs. The bond or acceptance of monetary funds as security agreement shall contain language that authorizes the city to use all or any part of the principal of the bond or money retained to cover its expenses in removing the signs after notice to remove the signs has been provided and the signs have not been removed prior to time period provided in the notice or as provided in this chapter. The forfeiture of the bond or the withdrawal of the monetary funds retained as security does not prevent the city from collecting additional funds through citation or notice of violation to recover costs or penalties in connection with the maintenance and removal of unlawful temporary signs.

(c) *Restrictions.* Restrictions on temporary signs shall be as follows:

* * *

(3) *Political campaign signs:*

* * *

Time limit Political signs are subject to subsection (b) of this section; provided, however, that regardless of the date of installation, signs must be removed within 30 days after one of the following events: withdrawal date of candidacy, elimination date of candidacy or date of election to office.

Bond requirement; exemption: Candidates for public office who are exempt from payment of the election assessment pursuant to section 99.093(2), F.S. shall also be exempt from bond requirements.

Section 1: Chapter 74 entitled "Signs", Article III., Regulations, Division 1. Generally, of the Code of Ordinances of the City of Hialeah, Florida is hereby amended, by revising Hialeah Code § 74-148 entitled "Temporary signs", to read as follows:

Chapter 74

SIGNS

* * *

ARTICLE III. REGULATIONS.

DIVISION 1. GENERALLY.

* * *

Sec. 74-148. Temporary signs.

* * *

(a) *Types of signs.* Banner, real estate, construction, and political campaign signs are considered temporary.

(b) *Duration and removal.* Temporary signs shall be removed in accordance with the following:

(1) *Within area and height limitations.* All temporary signs conforming to the area and height restrictions must be removed or replaced within ~~180~~ 90 days of the date of installation, except as provided in this chapter.

(2) *Exceeding area and height limitations.* Any person who intends to install a temporary sign exceeding in the area and height limitations set forth in this chapter, but in no event more than 100 percent of such limitations, must apply for and obtain a temporary sign permit prior to installation. All temporary sign permit applications must be accompanied by a fee of \$10.00. Such applications shall not include the submission and review of site plans. A temporary sign requiring a temporary sign permit shall be permitted for a time period not to exceed ~~90~~ 45 days from the

Violations; persons responsible: The city shall treat political candidates as primarily responsible for unlawful signs referenced in section 74-181(e). The city shall proceed administratively or in court against the political candidate or other legal entity that installs or maintains or causes an unlawful sign to be maintained or installed prior to proceeding against the property owner.

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DIVISION 2. CONSTRUCTION AND MAINTENANCE

* * *

Sec. 74-181. Maintenance.

(e) *Unlawful signs.* No person shall install or maintain, or causes to install or maintain, on any premises in the city owned or controlled by the such person any sign that is prohibited or any sign that does not comply with this chapter or any sign that has not received a valid permit unless exempted therefrom.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections

of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and when signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

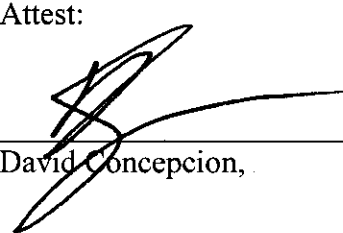
PASSED AND ADOPTED this 14th day of February, 2012.



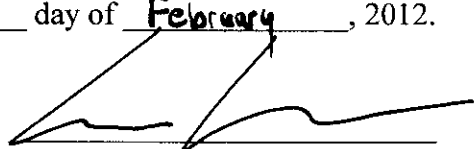
Isis Garcia-Martinez
Council President

Attest:

Approved on this 15 day of February, 2012.



David Concepcion, City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".